HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 1606 of 2007

Petitioner :1. Gram Panchayat Chhuiha in the Tahsil and Janpad Panchayat Bilaigarh Distt. Raipur through the Sarpanch Chhatra Pal Singh Banjare, S/o Khik Ram, Aged about 26 years, resident of the same Village Chhuiha Distt. Raipur [C.G.]

2. Om Prakash, S/o Puniram Barman, Aged about 27 years, by Caste Satnami [a person of Scheduled caste] resident of and holding post of Panch at Chhuiha Gram Panchayat in the Tahsil Bilaigarh Distt. Raipur [C.G.]

Versus

Respondents :1. The Chief Executive Officer Japnad Panchayat Bilaigarh Tahsil Bilaigarh Distt. Raipur [C.G.].

2. The State of Chhattisgarh through the Principal Secretary Department of Panchayat and Social Welfare D.K.S. Bhawan Raipur Distt. Raipur [C.G.]

3. The Joint Director Panchayat and Social Welfare Raipur Distt. Raipur [C.G.]

4. The Collector Raipur Distt. Raipur [C.G.]

SB: **Hon'ble Shri Satish K. Agnihotri, J.**

Present: Mr. Janak Ram Verma, counsel for the petitioner.
Mr. Utkarsh Verma, Dy. Govt. Advocate for the respondents No. 2 to 4.

ORDER

(Passed on this 20th day of March, 2007)

1. By the order dated 23.12.2006 (P/2), the Secretary namely Shri Tikaram Shrivas was removed from the post of Panchayat Karmi/Secretary of the Gram Panchayat, Chhuiha. The petitioner-Gram Panchayat, Chhuiha with one Panch namely Shri Om Prakash has filed this petition seeking a relief that the Gram Panchayat in absence of the Secretary be permitted to withdraw the amount from the bank for the purpose of completing the construction undertaken by the Panchayat.

2. Admittedly, Gram Panchayat Bank Account is monitored by the Sarpanch and Panchayat Karmi/Secretary and in absence of Panchayat Karmi/Secretary the amount cannot be withdrawn. The Gram Panchayat

cannot be permitted to operate the bank account in absence of the Joint signatures of the Sarpanch and Panchayat Karmi/Secretary.

3. Learned counsel appearing for the petitioner vehemently argued that the progress of building would come to an end in absence of such a direction of this Court. No direction can be issued which is contrary to the rules, particularly, in financial matters to allow a panch or a person i.e. Sarpanch alone to operate the account.

4. The petitioner has made an application on 18.10.2006 (P/4), addressed to the Chef Executive Officer, Janpad Panchayat, Bilaigarh, requesting to appoint a person as Secretary, immediately, so that the construction work of the building would be completed.

5. Learned counsel appearing for the petitioner further relies on the provisions of Section 69 of the Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993, whereunder it was provided that the State Government or the prescribed authority may appoint a Secretary for a Gram Panchayat or group of two or more Gram Panchayats.

6. On perusal of the papers and hearing the petitioner, it is clear that the petitioner has not made out any case for grant of relief, as sought for, in this petition. However, in the interest of the Gram Panchayat, it is necessary to direct the Chief Executive Officer, Janpad Panchayat, Bilaigarh to take immediate steps for appointment of the Secretary for the concerned Gram Panchayat, so that the construction work would be completed in time.

7. The Chief Executive Officer, Janpad Panchayat, Bilaigarh is accordingly directed to take steps for appointment of the Secretary for the concerned Gram Panchayat within a period of two weeks from the date of receipt of a copy of this order.

8. The writ petition is disposed of accordingly.

Sd/-
Satish K. Agnihotri
Judge

Bablu